

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
1:20-cv-00613-CCE-LPA

NATIONAL ASSOCIATION FOR)
THE ADVANCEMENT OF)
COLORED PEOPLE ALAMANCE)
COUNTY BRANCH, et al.,)
v.)
JERRY PETERMAN, et al.,)
Defendants.)

DECLARATION

I, David Sykes, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. I am over 18 years of age and I am competent to make this Declaration. I have personal knowledge of the matters stated herein.
2. I am a Captain over the Patrol Division with the Alamance County Sheriff's Office. I have been the Captain over the Patrol Division since 2018.
3. The Alamance County Historic Courthouse is located inside a traffic circle in the middle of Main Street in Graham, North Carolina. Main Street is also designated as N.C. Highway 87. This is a state highway which carries significant traffic, including large tractor trailer trucks and other commercial vehicles.



4. One of the responsibilities of the Alamance County Sheriff's Office is to provide security to the Alamance County Historic Courthouse. The Historic Courthouse is a working courthouse which houses a Superior Court courtroom, the small claims/special proceedings courtroom and the Clerk of Superior Court's offices.
5. The entrance on the North side of the Historic Courthouse is the main public entrance. The doors on the East, West, and South sides are exit doors only to provide security for the Courthouse. The entrance on the North side is also the only handicap accessible entrance. Additionally, the North side entrance is where the security screening station is located. The other entrances do not have suitable space for security screening.
6. A statue known locally as the Confederate monument sits outside the North entrance to the Historic Courthouse. A sidewalk encircles the entire Historic Courthouse and this sidewalk runs in between the North entrance and the Confederate monument. There is a flag pole and two small trees in a flat area between the Confederate monument and the North entrance. It is my belief that the area inside the sidewalk and the location of the Confederate monument are one piece of property bisected by a sidewalk and are owned and controlled by the County of Alamance. This piece of property is known as the "grounds" of the Historic Courthouse.
7. Demonstrations and protests have been held in this location. The Alamance County Sheriff's Office has not traditionally allowed or denied access to this location on the basis of the content of the demonstration or protest. I am personally aware of demonstrations being held in opposition to the presence of the Confederate monument and demonstrations being held in support of the presence of the Confederate monument.

8. When protests or demonstrations are held in Graham, North Carolina, it is common for counter-protestors to also seek to protest at the same time. It is common for both groups to seek access to the area immediately surrounding the North entrance to the Historic Courthouse, including the area around the Confederate monument. The presence of two groups with competing interests who both seek the same location at the same time presents a significant risk of escalation to violence and/or destruction of property. On June 21, 2020, two people were arrested due to physical assaults after an altercation between protestors and counter-protestors.
9. I am personally aware of protests that have been held in the past two months in Greensboro and Raleigh where significant damage to property has occurred. I am personally aware of a fire that was set at the Guildford County Courthouse on June 3, 2020. In my role as Captain over the Patrol Division, I am aware of statements made on social media by protestors both for and against the Confederate monument which I believe suggest a reasonable likelihood of violence and/or destruction of property if the two competing groups are allowed to occupy the same small location between the Confederate monument and the North entrance to the Historic Courthouse.
10. Specifically, I am aware of individuals making the statement “Take it down or we’ll tear it down.” I am aware of comments on social media saying “it’s easier to shoot them when they’re all in one place.” This statement was turned over to the NC SBI. I am aware of threats on social media to hang the Sheriff and to burn down houses. These statements were turned over to the SBI as well. I am aware that individuals have offered to bring weapons and “defend” the confederate monument. I am aware of one individual who has

been arrested for carrying a weapon at a protest. These statements are examples of why the temporary total ban on protesting at the Historic Courthouse was implemented.

11. At the present time, the Alamance County Sheriff's Office is temporarily denying access to all persons who wish to protest on the grounds of the Historic Courthouse, without regard to the protestor's viewpoint. This action was taken because the physical location of the Historic Courthouse inside the traffic circle makes it difficult to secure the safety of protestors and the public, especially if two competing groups both wish to have access to the same location at the same time. After considering the all the alternatives, it was the determination of the Alamance County Sheriff's Office that most effective content-neutral way to secure the grounds of the Historic Courthouse was to deny access to all groups during this time of heightened tension. The goal of the temporary policy is for the Alamance County Sheriff's Office to preserve the status quo while the political process plays out and prevent conflicts on the courthouse grounds from escalating into violence and/or destruction of property. Should such conflicts arise off the courthouse grounds, the presence of the restricted area acts as a buffer. The separation between all parties (protestors, counter-protestors, and law enforcement) serves the important purpose of deescalating conflicts by allowing the parties separate spaces in which to cool down emotional responses which naturally arise over the strongly held feelings of protestors and counter-protestors. I have reviewed the Second Declaration of Barrett Brown filed in this case. The emotional response described by Mr. Brown is the exact type of response that the temporary closure is intended to deescalate. Had the emotional response of Mr. Brown occurred on the courthouse grounds, the presence of protestors and potentially counter-

protestors would have significantly increased the tension. Due to the presence of the restricted area, the situation was able to be handled peacefully.

12. It is not the policy of the Alamance County Sheriff's Office that all demonstrations and protests on Courthouse grounds will be forever prohibited. The Alamance County Sheriff's Office feels that the total temporary ban on protesting is a reasonable response to the severity of the present situation.
13. A designated protest area is located in Sesquicentennial Park in Graham, North Carolina. This park is immediately across the street from the North side of the Historic Courthouse in full unobstructed view of the Confederate monument. It is within earshot of persons standing on the grounds of the Historic Courthouse. This site is visible from traffic going around the Historic Courthouse and is also a location traditionally used for protests, both for and against, the Confederate monument.
14. On July 11, 2020, a large protest against the Confederate monument was held in Courthouse Square. The group organizing the protest obtained permission from the North Carolina Department of Transportation to close Main Street/Highway 87 and set up a stage in the street immediately in front of the Historic Courthouse and the Confederate monument. The Alamance County Sheriff's Office did not interfere with this protest. Two individuals were arrested by the Alamance County Sheriff's Office and charged with trespassing, failure to disperse, and disorderly conduct.
15. During this July 11, 2020 protest, a group of counter-protestors was present. While I was not physically present at this protest, I am informed that officers on the scene were made aware that the group organizing the protest was concerned about the presence of weapons

among the counter-protestors. I am informed that the Alamance County Sheriff's Office took these concerns very seriously and immediately investigated these reports.

Further Declarant sayeth not.

This the 30th day of July 2020.



David Sykes

STATE OF NORTH CAROLINA
COUNTY OF Alamance

I, Robin R. Isley, a Notary Public in and for said County and State, do hereby certify that David Sykes personally appeared before me this day and acknowledged the due execution of the foregoing Affidavit.

Witness my hand and seal this 30 day of July, 2020.



Robin R. Isley
Notary Public

My Commission expires:

7-26-2025

